

REMARKS

I. Introduction

With the cancellation herein without prejudice of claims 15, 16 and 24, claims 13, 14, 17 to 19, 22, 23, 27 and 29 to 41 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Objection to the Drawings

As regards the objection to the drawings, the Examiner's attention is respectfully directed to Figure 1, which illustrates a cable 8 as a connection element. The Examiner's attention is also respectfully directed to Figure 2, which illustrates resistors 28 and 30 as an arrangement outside a battery charger configured to automatically determine at least one electrical parameter of a charge upon connection of a unit to the batter charger via a connection element. It is therefore respectfully submitted that the drawings fully comply with the requirement of 37 C.F.R. § 1.83(a). Withdrawal of this objection is therefore respectfully requested.

III. Rejection of Claims 14, 17 and 38 Under 35 U.S.C. § 112

Claims 14, 17 and 38 were rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. This rejection is not understood, since it is not readily apparent what is considered to be ambiguous. Claim 14 plainly sets forth that an arrangement, e.g., the arrangement recited in claim 39 from which claim 14 depends, is arranged in one of (a) the first connector and (b) the second connector. Claim 14 is therefore sufficiently clear. Claim 17 recites that an arrangement, e.g., the arrangement recited in claim 13 from which claim 17 depends, is arranged in the connector of the connection element. Claim 17 is therefore sufficiently clear. Claim 38 recites that an arrangement, e.g., the arrangement recited in claim 37 from which claim 38 depends, is arranged in one of (a) the first connector and (b) the second connector. Claim 38 is therefore sufficiently clear.

In view of the foregoing, it is respectfully submitted that claims 14, 17 and 38 fully comply with the definiteness requirement of 35 U.S.C. § 112, which merely requires that the claims set out and circumscribe a particular subject matter

with a reasonable degree of clarity and particularity. Withdrawal of this rejection is therefore respectfully requested.

IV. Rejection of Claims 13, 39 and 41 Under 35 U.S.C. § 102(b)

Claims 13, 39 and 41 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,771,471 ("Alberth, Jr. et al."). It is respectfully submitted that Alberth, Jr. et al. do not anticipate the present claims for at least the following reasons.

Claim 13 relates to a set and recites that the set includes an arrangement outside of a battery charger configured to automatically determine at least one electrical parameter of a charge upon connection of a unit, which includes a battery to be charged, to the battery charger via a connection element, which is removable from the battery charger. Claim 13 has been amended herein without prejudice to recite that the arrangement includes at least one resistor. Support for this amendment may be found, for example, on page 2, lines 30 to 36 of the Specification.

Claim 39 relates to a set and recites that the set includes an arrangement arranged in a connection element configured to automatically determine at least one electrical parameter of a charge upon connection of a unit, which includes a battery to be charged, to a battery charger via a connection element. Claim 39 has been amended herein without prejudice to recite that the arrangement includes at least one resistor. Support for this amendment may be found, for example, on page 2, lines 30 to 36 of the Specification.

Alberth, Jr. et al. purport to relate to a charge regulator for a radio telephone. The Office Action equates the variable level power source 606 with the arrangement as recited in claim 13 and the arrangement as recited in claim 39. However, Alberth, Jr. et al. do not disclose, or even suggest, that the variable level power source 606 includes at least one resistor. It is therefore respectfully submitted that Alberth, Jr. et al. do not disclose, or even suggest, an arrangement as recited in claim 13 or an arrangement as recited in claim 39.

It is "well settled that the burden of establishing a prima facie case of anticipation resides with the [United States] Patent and Trademark Office." Ex parte Skinner, 2 U.S.P.Q.2d 1788, 1788 to 1789 (Bd. Pat. App. & Inter. 1986). To anticipate a claim, each and every element as set forth in the claim must be found in

a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Since Alberth, Jr. et al. fail to disclose, or even suggest, all of the features recited in amended claims 13 and 39, it is respectfully submitted that Alberth, Jr. et al. do not anticipate amended claims 13 and 39.

As for claim 41, which depends from claim 13 and therefore includes all of the features recited in claim 13, it is respectfully submitted that Alberth, Jr. et al. do not anticipate dependent claim 41 for at least the same reasons more fully set forth above in support of the patentability of claim 13.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Rejection of Claims 13 to 19, 22 to 24, 27 and 29 to 41

Claims 13 to 19, 22 to 24, 27 and 29 to 41 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,535,274 ("Braitberg et al."). It is respectfully submitted that Braitberg et al. do not anticipate the present claims as amended herein for at least the following reasons.

As an initial matter, claims 15, 16 and 24 have been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claims 15, 16 and 24.

As more fully set forth above, claim 13 recites that an arrangement (outside of a battery charger configured to automatically determine at least one electrical parameter of a charge upon connection of a unit, which includes a battery to be charged, to the battery charger via a connection element, which is removable from the battery charger) includes at least one resistor, and claim 39 recites that an arrangement (arranged in a connection element configured to automatically determine at least one electrical parameter of a charge upon connection of a unit, which includes a battery to be charged, to a battery charger via a connection element) includes at least one resistor.

Claim 22 relates to a connection element configured to connect a battery charger to a battery unit and recites that the connection element includes at least one component configured to determine in the battery charger parameters of a charge of the battery unit and removable from the battery charger and from the unit. Claim 22 has been amended herein without prejudice to recite that the component includes at least one resistor. Support for this amendment may be found, for example, on page 2, lines 30 to 36 of the Specification.

Claim 37 relates to a set and recites that the set includes a connection element removable from a battery charger. Claim 37 further recites that the connection element includes an arrangement configured to automatically determine at least one electrical parameter of a charge upon connection of a unit to be charged to the battery charger via the connection element and that the connection element is adapted to connect the unit to the battery charger. Claim 37 has been amended herein without prejudice to recite that the arrangement includes at least one resistor. Support for this amendment may be found, for example, on page 2, lines 30 to 36 of the Specification.

Braitberg et al. purport to relate to a universal connection for a cellular telephone interface. The Office Action equates second end 254 of cable 206 to an arrangement as recited in claims 13, 37 and 39 and to at least one component as recited in claim 22. However, Braitberg et al. do not disclose, or even suggest, that second end 254 of cable 206 includes at least one resistor. The Office Action mentions ROM chip 330. However, the ROM chip 330 does not constitute at least one resistor. It is therefore respectfully submitted that Braitberg et al. do not disclose, or even suggest, all of the features recited in claims 13, 22, 37 and 39. It is therefore respectfully submitted that Braitberg et al. do not anticipate claims 13, 22, 37 and 39.

As for claims 17, 18, 29, 40 and 41, which depend from claim 13 and therefore include all of the features recited in claim 13, it is respectfully submitted that Braitberg et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 13.

As for claims 23 and 36, which depend from claim 22 and therefore include all of the features recited in claim 22, it is respectfully submitted that Braitberg et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 22.

As for claims 32 and 38, which ultimately depend from claim 37 and therefore include all of the features recited in claim 37, it is respectfully submitted that Braitberg et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 37.

As for claims 14, 19, 27, 30, 31 and 33 to 35, which depend from claim 39 and therefore include all of the features recited in claim 39, it is respectfully submitted that Braitberg et al. do not anticipate these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 39.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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